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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-------------------|
| 10/781,221 | 02/18/2004 | Xi Xian Niu | CNT BATTERY | 1935 |
| 23616 | 7590 | 03/24/2005 | EXAMINER | |
| LAW OFFICES OF CLEMENT CHENG 17220 NEWHOPE STREET #127 FOUNTAIN VALLEY, CA 92708 | | | | CREPEAU, JONATHAN |
| ART UNIT | | PAPER NUMBER | | |
| 1746 | | | | |

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--|-------------------------|--|
| Response to Rule 312 Communication | Application No. | Applicant(s) | |
| | 10/781,221 | NIU, XI XIAN | |
| | Examiner Jonathan S. Crepeau | Art Unit 1746 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 14 February 2005 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

Applicant's amendment to the specification is untimely, as indicated above. Furthermore, there are insufficient instructions in the amendment as to where to insert the new language (e.g., page and line number of the original specification). Regarding the new drawing sheet, this sheet should be titled "Replacement Sheet" as set forth in the Office action of 9/14/04. The presentation of new Figure 3 is acknowledged but it is believed that this Figure must be further amended to show the locations of the separation membranes. The relationship between the gaps and the separation membranes is believed to be essential to the understanding of the claimed subject matter and as such must be shown in the drawings.


Jonathan Crepeau
Primary Examiner
Art Unit: 1746